

Rules of Administration

Brazos County Justices of the Peace

Subchapter C, Chapter 27, Government Code, Section 27.061. RULES OF ADMINISTRATION. The justices of the peace in each county shall, by majority vote, adopt local rules of administration. The rules are promulgated to provide a uniform system for the fair, impartial, and prompt dispositions of matters before the justice courts of Brazos County, Texas.

RULES OF ADMINISTRATION FOR JUSTICE OF THE PEACE COURTS WITHIN BRAZOS COUNTY, TEXAS

WHEREAS, there are four justice of the peace courts within Brazos County, Texas; and

WHEREAS, rules of administration and uniform rules of practice and procedure are necessary for the efficient and effective administration of justice;

NOW, THEREFORE, the following rules of administration and procedure are adopted by the justice of the peace courts of Brazos County, Texas.

RULES OF ADMINISTRATION

RULE 1.0 HOURS AND PLACES FOR HOLDING COURT:

RULE 1.1 Court shall be held at such times as may be determined expedient by the justice of the peace of each court.

RULE 1.2 Court shall be held at a courtroom in Brazos County, Texas in each justice of the peace designated court or in a location deemed necessary by the justice of the peace to carry out the responsibilities of the court.

RULE 2.0 DISPOSITION OF CIVIL CASES: Each justice of the peace should set the docket to ensure civil jury cases are concluded within eighteen (18) months from appearance date, and civil non-jury cases are concluded within twelve (12) months from appearance date, subject to a continuance or pass.

RULE 3.0 DISMISSAL DOCKET: At least once a year, each Court should set appropriate cases on a dismissal docket that have not had any action in the previous 365 days.

RULE 4.0 TRANSFER OF CASES AMONG COURTS:

RULE 4.1 TRANSFER OF CIVIL CASES:

4.1.1 In accordance with Section 15.0821 of the Texas Civil Practice and Remedies Code, regarding "Administrative Rules for Transfer," the justices of the peace in each county

shall, by majority vote, adopt local rules of administration regarding the transfer of a pending case from one precinct to a different precinct.

4.1.2 Any judge of a justice of the peace court in Brazos County, Texas may act as the judge of any other justice of the peace court in Brazos County, Texas.

4.1.3 The transfer of cases between justice of the peace courts of Brazos County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer and will transfer electronically by the software systems used by Brazos County, Texas.

4.1.4 Standard procedures of transferring cases will be maintained and updated as software allows as distributed by the administrative judge or his designee.

4.2 TRANSFER OF CRIMINAL CASES:

4.2.1 Pursuant to Article 4.12(e) of the Texas Code of Criminal Procedure, the justices of the peace in each county shall, by majority vote, adopt local rules of administration regarding the transfer of a pending misdemeanor case from one precinct to a different precinct.

4.2.2 Any judge of a justice of the peace court in Brazos County, Texas may act as the judge of any other justice of the peace court in Brazos County, Texas.

4.2.3 The transfer of cases between justice of the peace courts of Brazos County, Texas may be done by written order upon consent of the judges of those courts participating in the transfer and will transfer electronically by the software systems used by Brazos County, Texas.

4.2.4 Standard procedures of transferring cases will be maintained and updated as software allows as distributed by the administrative judge or his designee.

RULE 5.0 EXCHANGE OF BENCHES:

5.1 In accordance with Texas Rules of Civil Procedure 502.4(f), upon agreement, justices of the peace may exchange benches to hold court and administer justice.

5.2 The docket of each case heard by the visiting judge will reflect the visiting judge's name.

5.3 The judge requesting the exchange shall initiate the transfer order and ensure it is signed by both judges prior to the adjudication of any cases.

RULE 6.0 INABILITY TO PAY: The justices of the peace shall create and agree by a majority vote on the form required for Sworn Statement of Inability to Pay, also known as SSIP, as described in Texas Rules of Civil Procedure 502.3, 506.1(d), 510.9(c).

RULE 7.0 FAIR VENUE CHANGE:

7.1 Pursuant to Texas Rules of Civil Procedure 502.4(e), if a party believes it cannot get a fair trial and provides the required documentation to seek a fair venue change, the judge receiving the order will follow the requirements in this rule to secure the appropriate remedy.

RULE 8.0 JUDICIAL MEETINGS AND COMMITTEE ASSIGNMENTS:

8.1 The justices of the peace will meet at 11:30 a.m. on the second Monday of each month, rotating among each of the justice of the peace courtroom locations, or at such other time and location designated by the administrative judge.

8.2 Committee assignments shall be made by the local administrative judge.

8.3 The administrative judge may call special meetings or cancel meetings as deemed necessary.

RULE 9.0 ADMINISTRATIVE JUDGE:

9.1 The administrative judge of the justice of the peace courts in Brazos County, Texas will be elected by a majority vote of the judges and shall serve a term of one (1) year.

9.2 The term of office shall be from January 1 through December 31 of each year or until a successor is elected.

9.3 In the event the administrative judge should resign as administrative judge, is on medical leave, is temporally removed from active duty as administrative judge, or is disqualified from service as administrative judge in any manner, a successor shall be elected to complete the term of office.

9.4 The local administrative judge can be removed and replaced at any time by a majority vote of the remaining three (3) justices of the peace.

9.5 The administrative judge for the justices of the peace serves as a liaison to the Brazos County Commissioners Court.

9.6 Responsibilities of the administrative judge will include, but is not limited to, disseminating information to all justices of the peace in Brazos County, Texas as needed and presiding over monthly meetings.

RULE 10.0 EACH COURT MAY ADOPT SUCH OTHER RULES NOT IN CONFLICT WITH THESE RULES OF ADMINISTRATION, BRAZOS COUNTY POLICY, STATE LAWS, OR FEDERAL LAWS AS MAY BE DEEMED NECESSARY BY THE JUDGE OF THAT COURT FOR THE EFFICIENT ADMINISTRATION OF JUSTICE.

10.1 These rules shall be reviewed and approved by majority vote of the justices of the peace in Brazos County, Texas in January of the year beginning a new term of office.

10.2 These rules do not supersede statutory requirements, and all justices of the peace shall follow statutory laws as well as the Code of Judicial Conduct.